

IN THE MATTER OF: BUSINESS OPTIONS, INC.

Deposition of Shalanda Robinson

July 17, 2003

"We'll cover your job ANYWHERE in the country!"

COURT REPORTERS, ETCetera, INC.

(202) 628-DEPO (3376) (410) 653-1115 1-800-947-DEPO (3376)

IN THE MATTER OF: BUSINESS OPTIONS, INC.
Deposition of Shalanda Robinson

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"We'll cover your job ANYWHERE in the country!"

Page 3

1 BEFORE THE FEDERAL COMMUNICATIONS COMMISSION

2 WASHINGTON, D.C. 20554

3

4 IN THE MATTER OF: * EB DOCKET NO. 08-85

5 BUSINESS OPTIONS, INC., * FILE NO. EB-02-TC-151

6 ORDER TO SHOW CAUSE AND * NAL ACCOUNT NUMBER:

7 NOTICE OF OPPORTUNITY * 30033217002

8 FOR HEARING * FRN: 0007179054

9 * * * * *

10 DEPOSITION OF:

11 SHALANDA ROBINSON,

12 was taken Thursday, July 17, 2003, commencing at

13 2:15 p.m., at the LaQuinta Inn, 8210 Louisiana

14 Street, Merrillville, Indiana, before MaryAnn

15 Herr, Notary Public.

16 * * * * *

17 COURT REPORTERS, ETCetera, INC.

18 Maryland Washington

19 (410) 653-1115 (202) 628-DEPO

20 "We'll cover your job ANYWHERE in the country!"

21 1-800-947-DEPO

I-N-D-E-X

EXAMINATION BY:

PAGE:

Mr. Shook

4

(NO EXHIBITS MARKED.)

Page 2

Page 4

1 APPEARANCES:

2

3 On behalf of the BUSINESS OPTIONS:

4 KEMAL HAWA, ESQ.
5 CHADBOURNE & PARKE, LLP
6 1200 New Hampshire Avenue, N.W.
Washington, D.C. 20036
(202) 974-5600

7

8 On behalf of the FCC:

9 TRENT B. HARKRADER, ESQ.
10 JAMES W. SHOOK, ESQ.
FEDERAL COMMUNICATIONS COMMISSION
11 445 12th Street, S.W.
Washington, D.C. 20554
12 202-418-2955

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1 P-R-O-C-E-E-D-I-N-G-S

2 WHEREUPON --

3 SHALANDA ROBINSON,

4 a Witness called for examination, having been
5 first duly sworn, was examined and testified as
6 follows:

7 DIRECT EXAMINATION

8 BY MR. SHOOK:

9 Q. Could you state your full name,
10 please?

11 A. Shalanda DeLynn Robinson.

12 Q. What is the name of your current
13 employer?

14 A. Buzz Telecom.

15 Q. How long has Buzz Telecom been your
16 current employer?

17 A. For four and a half years.

18 Q. Was there a time when Buzz Telecom was
19 known by a different name?

20 A. Yes.

21 Q. What name was that?

Page 5

Page 7

1 A. Business Options.
2 Q. Have any other names been used?
3 A. Yes.
4 Q. What names are they?
5 A. U.S. Bell.
6 Q. Now with respect to your employer, is
7 Buzz Telecom the name that appears on the
8 paychecks that you receive?
9 A. Yes.
10 Q. Prior to Buzz Telecom coming into
11 existence -- which we understand to have been in
12 June of 2002 -- was there a different name that
13 appeared on your paychecks?
14 A. Yes.
15 Q. What name was that?
16 A. Business Options.
17 Q. Was there ever a time when a name
18 other than Business Options appeared on your
19 paycheck?
20 A. Yes.
21 Q. What name was that?

1 A. Yes.
2 Q. Can you describe -- well, let me ask
3 this. The address at which you work, is that
4 8380 Louisiana Street in Merrillville?
5 A. Yes.
6 Q. And how long has that been the case?
7 A. I've been there for four and a half
8 years with the company.
9 Q. When was it that you were hired by the
10 company?
11 A. December of '98.
12 Q. And you were hired by U.S. Bell?
13 A. Yes.
14 Q. Who in particular was involved in your
15 hiring?
16 A. A gentleman by the name of Mark
17 Schlowbaum (phonetic).
18 Q. Could you possibly spell that?
19 A. No, sir, I can't.
20 Q. Did he interview you?
21 A. Yes.

Page 6

Page 8

1 A. U.S. Bell.
2 Q. Now from a timing standpoint if you
3 could give me a rough idea in terms of the
4 different times for the different names that have
5 appeared on your paycheck?
6 A. That, I can't remember exactly, the
7 time period.
8 Q. For the year 2002, do you remember
9 receiving W-2s?
10 A. Yes.
11 Q. Was one of them from Buzz Telecom?
12 A. Yes.
13 Q. Did you receive one from any other
14 entity?
15 A. Yes.
16 Q. Was that entity U.S. Bell?
17 A. No.
18 Q. Was it Business Options?
19 A. Yes.
20 Q. And those were the only W-2s that you
21 received for 2002?

1 Q. So far as you know, he was the only
2 person who interviewed you?
3 A. Yes.
4 Q. And he was the person who hired you?
5 A. Yes.
6 Q. What position were you hired for?
7 A. Expediter.
8 Q. Could you give me an idea of what it
9 is that an expeditor was supposed to do?
10 A. Wherever they are needed in the
11 company, then that's where they go to work.
12 Q. So what did that mean for you when you
13 started to work for U.S. Bell? Where did you go?
14 A. I relieved the receptionist when she
15 went on break and went for lunch.
16 Q. That would cover about what? One hour
17 of the day?
18 A. About an hour and a half because she
19 had two 15 minute breaks and an hour lunch.
20 Q. And I take it you were working an
21 eight-hour day?

Page 9

Page 11

1 A. Yes.
2 Q. So what happened during the other six
3 and a half hours?
4 A. I was data entry.
5 Q. Data entry?
6 A. Yes.
7 Q. So could you tell us what was involved
8 in data entry?
9 A. I got a form with all the customers'
10 information and the verification information and
11 I entered it into the system.
12 Q. How would that information arrive to
13 you? Would it arrive in the form of a tape?
14 Would it arrive in the form of an electronic
15 message or would it arrive in some other fashion?
16 A. It would arrive just handwritten on a
17 form.
18 Q. Handwritten?
19 A. Yes.
20 Q. Who would do the handwriting?
21 A. The sales rep.

1 Q. There was some number or some
2 identification of the tape?
3 A. Yes. It would tell you exactly the
4 date that you can find what tape you need to look
5 for and on what side of the tape that you need to
6 find that sale.
7 Q. The information that you entered into
8 the computer that you've just described, how long
9 would that information be kept by the company?
10 A. In the system?
11 Q. Yes.
12 A. It stays forever.
13 Q. So in other words, from the period of
14 time in which you started in late 1998, if we
15 wished, we could actually find information dated
16 from that point in time?
17 A. Yes.
18 Q. And that would be consistent from that
19 point to the present?
20 A. Yes.
21 Q. Did there come a time when your job

Page 10

Page 12

1 Q. Would that be the telemarketer?
2 A. Yes.
3 Q. So in other words, if the telemarketer
4 made a sale which was then verified, you would
5 receive from the telemarketer something in
6 writing that had various pieces of information on
7 it?
8 A. Yes.
9 Q. The information that you would receive
10 usually consisted of what?
11 A. The person's name, the name on the
12 telephone bill, exactly who they spoke with, the
13 contact person, the address, the telephone
14 number, and the verification information.
15 Q. What would the verification
16 information consist of?
17 A. The birth date or whichever they used
18 to get confirmation of the customer, either their
19 last four digits of their social-security number
20 or their mother's maiden name, and the tape on
21 which we can find that sale.

1 duties changed in any way?
2 A. Yes.
3 Q. What time was that roughly?
4 A. I want to say March of 2002 when I
5 became director of customer service.
6 Q. What was involved in that change?
7 A. I started to handle customer service
8 and whenever the customers called in, then I just
9 handled their complaint or questions or concerns.
10 Q. The change that took place would be
11 viewed as a promotion, would it not?
12 A. Yes.
13 Q. Did it cause you to change your job
14 location?
15 A. No.
16 Q. So your location both before and after
17 the job change was 8380 Louisiana Street?
18 A. Prior to 8380 I was at Valpo.
19 Q. And what is Valpo?
20 A. I forget the address. It was on
21 Leonard Drive in Valparaiso.

Page 13

Page 15

1 Q. Do you recall approximately at what
2 point in time your job location changed from
3 Valparaiso to Merrillville?

4 A. It was in August of '99.

5 Q. Did the change that took place then
6 involve only yourself, or did it involve other
7 people as well?

8 A. It involved other people.

9 Q. Approximately how many?

10 A. I don't know how many was on staff at
11 that time.

12 Q. Was there an office already in place
13 at 8380 Louisiana Street?

14 A. Yes.

15 Q. And would I be correct then that the
16 Valparaiso office was being closed?

17 A. Yes.

18 Q. So all the employees that were at the
19 Valparaiso location were relocated to
20 Merrillville?

21 A. Yes.

Page 14

Page 16

1 Q. Now with respect to the new job that
2 you had that you mentioned the change took place
3 sometime in 2002 --

4 A. Yes.

5 Q. -- you had mentioned dealing with
6 customer complaints?

7 A. Yes.

8 Q. What was it that you had to do?

9 A. When customers called in and had a
10 concern or question about their bill, we
11 explained exactly how they got on the service and
12 what it was about.

13 Q. I'll run through some hypothetical
14 examples and you can tell me whether or not this
15 hypothetical ever materialized and then we can go
16 from there.

17 A. Okay.

18 Q. So would it be the case, for example,
19 that a customer could call in and say, I don't
20 understand why I'm receiving a bill from Business
21 Options?

1 A. Yes.

2 Q. And if that were the case, what would
3 you do?

4 A. We would look up their account, let
5 them know that they were verified on such and
6 such date, we do have a recording of them giving
7 authorization to be put on our service. And to
8 confirm that we did get their authorization, that
9 we do ask them for their birth date. And then I
10 explain to them what their birth date is and ask
11 them if that's their birth date. And when they
12 say yes, we tell them that that's how we got your
13 authorization to be put on our services.

14 Q. Well, if the customer then said, Well,
15 I made a mistake, I don't want to have your
16 service anymore, what would you do?

17 A. Then we would go in and flag their
18 account to be canceled and give them the
19 procedures that they would need to follow to make
20 sure that their account is completely canceled.

21 Q. And when you say "give them the

1 procedures," who is "them" that you're referring
2 to?

3 A. The customer.

4 Q. The customer?

5 A. Yes.

6 Q. What would you typically tell a
7 customer that he or she had to do?

8 A. That they would have to contact their
9 local carrier and let them know exactly what
10 carrier they want or if they don't want long
11 distance at all.

12 Q. Did it ever come to your attention
13 that a customer, instead of calling Business
14 Options, would call the local exchange carrier in
15 the first instance and seek to change the long
16 distance service?

17 A. Yes.

18 Q. What would happen in those
19 circumstances?

20 A. We would explain to them that we have
21 a "pick-freeze" process that we follow, that they

Page 17

Page 19

1 would have to contact us in order for their
2 accounts to be cancelled and once they did
3 contact us, then we would follow through with the
4 procedure.

5 Q. Let's say I'm a customer and I called
6 my local exchange carrier after getting a bill
7 that said Business Options was on it and I said,
8 I want to change to whatever.

9 Are you saying that at some point
10 subsequent to that, the local exchange carrier
11 would notify Business Options in some fashion
12 that this change had occurred?

13 A. Yes.

14 Q. How is it that you would come to know
15 that the local exchange carrier had received such
16 a call and made the change?

17 A. We operate off a TCSI code which gives
18 us the status that the customer is in, either a
19 confirmed or cancelled state. And once the local
20 carrier makes that switch in their system, they
21 send that to our provisioning company that we

1 the service, what would your next step be after
2 that?

3 A. I feed the file into the system and it
4 automatically disconnects the customer.

5 Q. Now in terms of -- you mentioned
6 something about a "pick-freeze" process.

7 A. Yes.

8 Q. I understood from your response that
9 in the examples that we have just been talking
10 about, that some action would then be taken by
11 Business Options, slash, U.S. Bell, slash, Buzz
12 in order to return the customer to the Business
13 Options product?

14 A. Yes.

15 Q. What is it that the Business
16 Options/U.S. Bell/Buzz people would do in those
17 circumstances?

18 A. We will kick them back to us and wait
19 for them to call, call us directly. And then
20 once they call us directly, then we know for sure
21 that they want to be canceled because they did.

Page 18

Page 20

1 use. And they, in turn, send it to us in a file.
2 We feed that file into the system and it updates
3 the customer's account, cancelling it or putting
4 them on the service.

5 Q. So the information would come from the
6 local exchange carrier and it would be routed in
7 some fashion through USBI?

8 A. No. It would be routed through Quest
9 or Global Crossing. That's our provisioning
10 company that we use.

11 Q. So those companies, in turn, would
12 send information back to you?

13 A. Yes.

14 Q. What would the nature of that
15 information be?

16 A. The customer's telephone number and
17 give us the status of the TCSI code, whether the
18 customer has canceled the service. Or if we have
19 newly put them on, give us a confirmed status for
20 the customer.

21 Q. In the case of a customer canceling

1 contact us.

2 Q. How long did that process or policy
3 stay in effect to your knowledge?

4 A. For about two years.

5 Q. Could you state from about when to
6 about when?

7 A. It ended in April, so I think it was
8 June of 2001.

9 Q. Until about April of 2003?

10 A. Yes.

11 Q. Do you know how that policy came to
12 be?

13 A. Yes.

14 Q. How did it come to be?

15 A. Kurtis wrote it.

16 Q. Did anybody other than Kurtis, to your
17 knowledge, have any input whatsoever into the
18 policy?

19 A. Not to my knowledge.

20 Q. Do you know how it was that the policy
21 came to be discontinued?

Page 21

Page 23

1 A. Yes.
2 Q. How was that?
3 A. When the case was brought up.
4 Q. The case, meaning the current
5 proceeding in which we're all sitting here
6 looking at each other?
7 A. Yes.
8 Q. Was there a written policy directive
9 to cancel the previous policy?
10 MR. HAWA: Objection. That came from
11 counsel. Go ahead.
12 A. Could you repeat the question?
13 Q. Was there a written directive
14 canceling the policy that had been in place?
15 A. Yes.
16 Q. And from your counsel's objection, I
17 take it that the directive itself came from
18 counsel?
19 A. Yes.
20 Q. Now during that two year period do you
21 have -- can you give me an idea as to

1 A. No.
2 Q. Do you have any knowledge as to
3 whether that policy was not authorized by any
4 rules from the FCC?
5 A. No.
6 MR. HAWA: I object just to
7 clarification. "Sitting here today" meaning, now
8 does she know or --
9 MR. SHOOK: I mean now.
10 MR. HAWA: He does mean now, not at
11 the time this whole thing was happening.
12 THE WITNESS: Oh. Now I do know.
13 BY MR. SHOOK:
14 Q. Then I would ask the next question:
15 At the time that the policy was in place, did you
16 have any knowledge that the policy was not
17 authorized by FCC rules?
18 A. No. Not at that time, I didn't.
19 Q. Do you have any knowledge as to the
20 number of current customers that Business Options
21 has?

Page 22

Page 24

1 approximately how many times that policy had or
2 was implemented with respect to customers?
3 MR. HAWA: Objection on relevance.
4 There were only eight slams alleged. Go ahead.
5 A. We implemented that every week.
6 Q. So at least once a week?
7 A. Yes. Once a week.
8 Q. Was there any study or follow-up to
9 determine how many of those customers would then
10 call back to Business Options and affirmatively
11 cancel the service?
12 A. Not to my knowledge.
13 Q. Are you aware of whether or not it
14 ever happened?
15 A. No, I'm not aware.
16 Q. Do you have any knowledge as to who
17 would know whether or not such had ever happened?
18 A. No, I don't.
19 Q. Sitting here today, do you have any
20 understanding as to whether or not that policy
21 was authorized by any rules from the FCC?

1 A. Yes.
2 Q. Approximately how many current
3 customers does Business Options have?
4 A. 40,000.
5 Q. Has that number fluctuated in any
6 significant way? By "significant," I mean by a
7 thousand or more customers from the time you
8 started work with U.S. Bell and Business Options?
9 A. Yes.
10 Q. What fluctuations have taken place?
11 A. We have some that dropped off, stats
12 that went down and some when the stats did go up.
13 Q. What would you say the high-water mark
14 has been for the number of customers?
15 A. We reached almost 50,000.
16 Q. Approximately when did that occur?
17 A. I can't give exactly when, because I
18 didn't really hold that stat at the time.
19 Q. You've become aware of that statistic
20 in the meantime?
21 A. Yes.

Page 25

Page 27

1 Q. How so?
2 A. I have taken over that stat.
3 Q. Are you talking about the change in
4 job that you had when you were promoted to the
5 position that deals with the customer complaints?
6 A. Not directly with the customer
7 complaints. It was after that.
8 Q. There was a subsequent job change for
9 you?
10 A. Yes.
11 Q. Approximately when did that take
12 place?
13 A. It happened six months after I became
14 the director of customer service.
15 Q. So sometime later in 2002?
16 A. Yes.
17 Q. Now I'm going to approach this from
18 the other direction. What is your current job?
19 A. Delivery manager.
20 Q. What does that entail?
21 A. I am the manager over three

1 Q. Could you describe briefly what each
2 of those three departments does?
3 A. Yes. Data entry, they enter the
4 customer into our system so we're able to -- and
5 customer service -- able to look up a customer's
6 account when the customer calls in so we'll have
7 the information in front of us so we can help the
8 customer out. The win-back department, when a
9 customer falls off the service, we're able to
10 contact the customer directly to resell them and
11 get them reverified.
12 Q. Who are the current individuals who
13 are in the three departments that you've just
14 talked about?
15 A. Do you want names or just how many
16 people?
17 Q. Names.
18 A. I have Alisha, Shanelle, Matthew,
19 Luce, Cindy, Violet and Wanda.
20 Q. That's all three departments?
21 A. Yes.

Page 26

Page 28

1 departments: Data entry, customer service and
2 win-back.
3 Q. How long have you been a delivery
4 manager?
5 A. Since the latter part of 2002 until
6 the present.
7 Q. Prior to being delivery manager, what
8 was your job title?
9 A. Director of customer service.
10 Q. And then prior to being director of
11 customer service, you were an expediter?
12 A. Data entry.
13 Q. Data entry?
14 A. Yes.
15 Q. Now in terms of your current job, you
16 mentioned three departments?
17 A. Yes.
18 Q. And those three departments again
19 were?
20 A. Data entry, customer service,
21 win-back.

1 Q. Now in terms of identifying these
2 people in the event we need to contact them --
3 can you give me a little bit of help here in
4 terms of first name and last name and which
5 department.
6 A. Okay. Alisha Fields is data entry.
7 Shanelle Hawkins is data entry. Matthew Nichols,
8 customer service. Luce Rehano, customer service.
9 Cindy Vicksmith, customer service. Violet
10 Davidson, customer service. Wanda Lyman,
11 win-back (phonetic.)
12 Q. With respect to the data entry people,
13 what is it that they tell you or how is it that
14 they report to you in terms of what they're
15 doing?
16 A. They tell me exactly how many
17 customers they have entered into the system, how
18 many they have pending, how many customers
19 actually got confirmed on our service.
20 Q. So typically over the course of a
21 given week, approximately how many customers

Page 29

Page 31

1 would be entered into the system?

2 A. That all depends on how many orders I
3 received from the sales floor. On an average, it
4 has been averaging maybe 300-and-some a week.

5 Q. Now that's for new customers coming
6 in?

7 A. Yes.

8 Q. And is there another data entry which
9 would be how many customers are being lost in a
10 given week?

11 A. No one data-entries that. I receive
12 that information from customer service, how many
13 customers called in to cancel.

14 Q. So instead of that information coming
15 from data entry, it comes from customer service?

16 A. Yes.

17 Q. In a typical week, how many customers
18 would cancel?

19 A. Close to 500 a week.

20 Q. So doing the math, basically over the
21 course of time that you have been the -- I forgot

1 about the success or lack therefore of this
2 person's efforts?

3 A. Success. I work directly with the
4 person.

5 Q. So over the course of the last month
6 and a half, approximately how many win-backs are
7 we talking about?

8 A. It averages with the low being 30 and
9 the high being 75 a week.

10 Q. Now I know you described the process
11 by which you personally data-entered. I was
12 wondering if that process has changed in any way?

13 A. No.

14 Q. So in other words, the data entry
15 people that are employed today are putting into
16 the system basically the same information that
17 you put in when you started in late 1998?

18 A. Yes.

19 Q. Now during the period of time when the
20 change-back policy -- for lack of a better way of
21 putting it -- was in place, could you tell me

Page 30

Page 32

1 the term that you used.

2 A. Delivery manager.

3 Q. The delivery manager. There has been
4 an erosion of customers during that period?

5 A. Yes.

6 Q. Of roughly 200 a week?

7 A. Yes.

8 Q. And in terms of the win-back
9 department, at what point in time did that
10 department come into being?

11 A. We've always had the win-back
12 department. Sometimes it was closed and we never
13 did have anyone actively in that department
14 working.

15 Q. But you do now?

16 A. Yes.

17 Q. And how long has that person been in
18 place?

19 A. Roughly a month and a half, almost two
20 months.

21 Q. And have there been any reports to you

1 what it was that was done from a data entry
2 standpoint in order to reflect that a customer
3 was being returned to Business Options?

4 A. The data entry person would only at
5 the end of the day upload the file to our
6 provisioning company. Liz would go behind the
7 scene and flag the customer.

8 Q. How much of a period of time passed
9 from the time the customer apparently called the
10 local exchange carrier to change the service from
11 Business Options until the point in time when
12 Business Options asked that the customer be
13 returned to this long distance service?

14 A. One week.

15 Q. And that was typical over the two-year
16 period that the policy was in place?

17 A. Yes.

18 Q. Do you have any personal knowledge of
19 what appears in a verification script?

20 A. No.

21 Q. Do you have any role, to your

1 knowledge, of deciding what should be in a
2 verification script?

3 A. No.

4 Q. Do you know who does have authority to
5 decide what should be in a verification script?

6 A. No.

7 Q. Have you ever known who has had
8 authority to determine what should be in a
9 verification script?

10 A. No.

11 MR. HAWA: Just again by way of
12 clarification. You're not talking about ultimate
13 authority, you're talking about day-to-day type
14 authority for who is responsible --

15 MR. SHOOK: Any authority whatsoever.
16 And then I could have gone into more detail to
17 determine what authority it was. I mean, if I
18 get a no to the question that I ask, there's
19 really no place for me to go.

20 MR. HAWA: Right. Try ultimate
21 authority. That may be worded better.

1 MR. SHOOK: Well, I'll tell you what.
2 I'm going to leave it as it is and if you wish to
3 clarify that, feel free. Or if, after consulting
4 with my learned co-counsel, I decide to follow up
5 on that, I will.

6 BY MR. SHOOK:

7 Q. Did there come a time when you became
8 aware that Business Options was having a
9 difficulty of some kind with the state of
10 Vermont?

11 A. I only knew that I had to send the
12 file that they needed to be disconnected and we
13 could not sell in those states.

14 Q. You mean just in the state of Vermont?

15 A. Yes.

16 Q. Approximately when did that come to
17 your attention?

18 A. In December of 2002.

19 Q. Do you recall how it came to your
20 attention?

21 A. Yes.

1 Q. How was that?

2 A. Elizabeth told me that we would no
3 longer be able to sell in Vermont and that she
4 was flagging the accounts to be disconnected and
5 that I was to be unloading those in my file at
6 the end of the day.

7 Q. Approximately how many accounts did
8 that involve?

9 A. That, I don't know.

10 Q. Do you know who would know that?

11 A. Liz may know.

12 Q. Did you speak with anyone other than
13 Elizabeth with respect to the Vermont situation?

14 A. Yes.

15 Q. Who?

16 A. My customer service people, to explain
17 to them that we couldn't sell in Vermont if a
18 customer called in.

19 Q. Did that conversation take place at
20 roughly the same time that Elizabeth told you
21 that Business Options was no longer going to be

1 able to sell in Vermont?

2 A. Yes.

3 Q. So roughly in December 2002?

4 A. Yes.

5 Q. Did you happen to see any documents of
6 any kind as relating to why Business Options was
7 no longer going to be selling in Vermont?

8 A. No.

9 Q. Your knowledge came solely from the
10 conversation you had with Elizabeth?

11 A. Yes.

12 Q. And by Elizabeth, we're talking about
13 Elizabeth Rosas?

14 A. Yes.

15 Q. She's your current supervisor?

16 A. Yes.

17 Q. She has been your supervisor since
18 you've become the --

19 A. Delivery manager.

20 Q. Delivery manager. Thank you. Someday
21 I'll get it.

Page 37

Page 39

1 A. Yes.
 2 Q. Did there come a time when you became
 3 aware that the state of Maine was having some
 4 concerns about Business Options' telemarketing
 5 practices?
 6 A. Yes.
 7 Q. Approximately when did that take
 8 place?
 9 A. A few months before the Vermont.
 10 Q. What did you understand the problem to
 11 be?
 12 A. That we were having billing issues in
 13 Maine and that Liz couldn't send monthly service
 14 fees to those customers, so they would not be
 15 getting monthly service fees.
 16 Q. So Elizabeth told you that there were
 17 problems with the state of Maine?
 18 A. Yes. She just said we couldn't bill
 19 monthly service fees in the state of Maine.
 20 Q. By billing monthly service fees, what
 21 fees are we talking about?

Page 38

1 A. Our company fees to have the service.
 2 Q. What fees would those be?
 3 A. \$4.90 a month is what we charged a
 4 customer.
 5 Q. That's for the super-saver?
 6 A. Yes.
 7 Q. So the \$4.90 monthly charge would not
 8 be sent to these Maine customers?
 9 A. Yes.
 10 Q. Was that all Maine customers?
 11 A. From my understanding, that's what I
 12 understood it to be.
 13 Q. As opposed to only Maine customers
 14 that complained about Business Options practices?
 15 A. Yes.
 16 Q. All Maine customers so far as you
 17 knew?
 18 A. Yes.
 19 Q. Were there any other fees or charges
 20 that Business Options was not allowed to impose
 21 on Maine customers?

1 A. Yes.
 2 Q. What fees or charges were those?
 3 A. Universal service fund.
 4 Q. Do you know what amount those fees
 5 were?
 6 A. At that time, yes.
 7 Q. What amount was that?
 8 A. \$3.75.
 9 Q. Do you know how it was that the \$3.75
 10 charge came to be?
 11 A. No.
 12 Q. That charge was in place before you
 13 started as delivery manager?
 14 A. Not before I was delivery manager. It
 15 came about while I was in customer service.
 16 Q. Oh, okay. So from a timing
 17 standpoint, it came to be sometime in the year
 18 2001?
 19 A. Approximately. I can't tell you
 20 exactly when it came about.
 21 Q. But it was at some point while you

Page 40

1 were in customer service?
 2 A. Yes. That I paid more attention to
 3 it, yes.
 4 Q. Do you know whether that charge is
 5 still in place?
 6 A. No. It is not in place.
 7 Q. What happened?
 8 A. We were told that we couldn't charge a
 9 flat fee anymore, that it needed to be a
 10 percentage.
 11 Q. Approximately when were you told that?
 12 A. In April of this year.
 13 Q. Did this information come about as a
 14 consequence of any communication of USBI?
 15 A. That, I don't know.
 16 MR. HAWA: James, by way of
 17 clarification there, the FCC issued an order to
 18 this effect in April so -- I'm confused by the
 19 question about communication with USBI.
 20 MR. SHOOK: I was just curious as to
 21 whether or not Shalanda had any knowledge about

Page 41

Page 43

1 how this came about. And it's not worth
2 pursuing.

3 MR. HAWA: Withdrawn.

4 BY MR. SHOOK:

5 Q. Shalanda, were you aware that the
6 Federal Communications Commission sent a letter
7 of inquiry to Business Options on or about
8 November 1, 2002?

9 A. No.

10 Q. Are you currently aware that the FCC
11 had done that?

12 A. Yes.

13 Q. Approximately when did you become
14 aware?

15 A. A couple of weeks ago.

16 Q. Could you describe the circumstances
17 under which you became aware?

18 A. When I received my letter to be
19 deposed.

20 Q. What happened at that point?

21 A. I didn't understand what was going on

1 A. Yes.

2 Q. Could we go off the record for a
3 second?

4 (Discussion was held off the record.)

5 BY MR. SHOOK:

6 Q. Okay. Ms. Robinson, I asked you about
7 a letter from the FCC. I want to show you a
8 document that is dated November 1, 2002, which is
9 addressed to the legal department at Business
10 Options, Inc. And with it is an attachment, A,
11 that references various complaints. If you
12 could, please just glance through the letter.

13 (Witness Reviewing Document.)

14 A. Okay.

15 Q. Have you ever seen this letter before
16 today?

17 A. No.

18 Q. Lucky you. Do you have any knowledge
19 as to who at Business Options may have addressed
20 this letter?

21 A. No.

Page 42

Page 44

1 and I went and spoke with Keanan.

2 Q. What did Keanan tell you?

3 A. He explained to me that we had a
4 charge against us and that it was from the FCC.

5 Q. Did Keanan explain to you what the
6 nature of the charges were?

7 A. Not all of it because some of it
8 didn't concern me.

9 Q. What did he explain to you?

10 A. He explained to me that we were
11 charged with not being honest in how we practice.

12 Q. Honest in connection with what? Did
13 he go into any detail?

14 A. Not really. He gave me a document
15 that I could read. But when I started to read
16 it, it was confusing so I didn't really continue
17 with it.

18 MR. HAWA: I felt the same way.

19 Q. Let me guess, was that document titled
20 "Order to Show Cause and Notice of Opportunity
21 for Hearing"?

1 Q. Or to put it another way, who may have
2 responded to this letter?

3 A. The legal department.

4 Q. Do you know who the legal department
5 is?

6 A. At this time?

7 Q. Yes.

8 A. At this time it's Shannon Dennie.

9 Q. At around November 1, 2002, do you
10 know who the legal department consisted of then?

11 A. Yes.

12 Q. Who was that?

13 A. Bill Brzycki.

14 Q. To help you place these matters in
15 time, it is our understanding that Mr. Brzycki
16 left the employ of Buzz Telecom, slash, Business
17 Options at the end of October of 2002.

18 A. Yes.

19 Q. Does that comport with your memory?

20 A. I don't know exactly what time he
21 left.

Page 45

1 Q. But he left around that time?
2 A. Yes.
3 Q. Was Ms. Dennie basically Mr. Brzycki's
4 successor with respect to who was the legal
5 department at Business Options?
6 A. Yes.
7 Q. Do you know whether there was anybody
8 other than Ms. Dennie in the legal department?
9 A. No.
10 Q. The next document that I'm showing you
11 is on the letterhead of Business Options, Inc.
12 It's dated December 9th, 2002, and it has the
13 signature line for Shannon Dennie and appears to
14 be signed by her. Have you seen Ms. Dennie's
15 letter before today?
16 A. No.
17 Q. Have you seen any of the documents
18 that are included as part of that letter before
19 today?
20 A. Yes.
21 Q. Could you point out to me which parts

Page 46

1 you have seen before today?
2 A. **Our Relationship with Long Distance**
3 **Carriers.**
4 Q. So the policy letter from Buzz Telecom
5 and it has several dates on it: November 8,
6 1993R, August 4, 1995R October 11, 2000R, and
7 October 3, 2002. The heading or the title of the
8 document: Our Relationship with Long Distance
9 Carriers and Local Exchange Carriers. This is a
10 document that you have seen before?
11 A. Yes.
12 Q. In what context have you seen this
13 document?
14 A. **We were explained exactly our**
15 **relationship with the customers, the local**
16 **carrier and our relationship between them. I was**
17 **shown that document. I can't place a date. But**
18 **I've known about it for over two years.**
19 Q. If you could, just read through it to
20 yourself.
21 (Witness Reviewing Document.)

Page 47

1 A. Okay.
2 Q. Are the policies that are expressed
3 there, so far as you know, the policies that are
4 still in place today?
5 A. Yes.
6 Q. And they have been in place since
7 apparently October of 2002?
8 A. Yes.
9 Q. Do you know what, if any, policy
10 differences there were prior to October of 2002?
11 A. **Concerning this policy here?**
12 Q. Yes.
13 A. **No. Because this one has been in**
14 **effect ever since 1993 so we didn't have anything**
15 **prior.**
16 Q. I just wasn't sure whether to
17 interpret the various dates as reflecting
18 revisions of one kind or another. That was why I
19 asked the question the way I did.
20 A. **I don't know of any revisions that**
21 **were done to it.**

Page 48

1 Q. So in terms of your recollection, the
2 basic policies that are expressed in this
3 document have been in place so long as you know?
4 A. Yes.
5 Q. Are there any other documents in the
6 Shannon Dennie response that are familiar to you?
7 A. No.
8 Q. The next document that I'm going to
9 show you reflects that it was filed at the
10 Federal Communications Commission on December 27,
11 2002. It has the title, Section 63.71
12 Application. Could you please take a look at it?
13 (Witness Reviewing Document.)
14 Q. Have you ever seen this document
15 before today?
16 A. No.
17 Q. Do you have any knowledge as to how
18 this document was prepared?
19 A. No.
20 Q. Now if you go to the second to the
21 last page, you'll see that there's a signature

Page 49

1 there.

2 A. Yes.

3 Q. Do you recognize the signature?

4 A. Yes.

5 Q. Is it that of Lisa Green?

6 A. Yes.

7 Q. Have you talked with her about a
8 Section 63.71 application?

9 A. No.

10 Q. Have you talked with her about the FCC
11 having a problem with something she sent to the
12 FCC?

13 A. No.

14 Q. Have you talked with anyone about the
15 FCC having a problem with the document that Lisa
16 Green signed and sent to the FCC?

17 A. No.

18 Q. As I understand it from what you've
19 told us earlier, Elizabeth Rosas is your current
20 supervisor?

21 A. Yes.

Page 50

1 Q. And she has been your supervisor for
2 how long?

3 A. About two years.

4 Q. From the period of time when you
5 became customer service manager?

6 A. Yes.

7 Q. And continuously from that period of
8 time to the present?

9 A. Yes.

10 Q. Is there anyone else besides Elizabeth
11 that you report to?

12 A. I report to her directly.

13 MR. SHOOK: Let's go off the record.
14 (Discussion held off the record.)

15 MR. SHOOK: Okay. I can speak the
16 words every deponent loves to hear. I have no
17 further questions.

18 (Reading and signing requested.)

19 (Deposition concluded 3:30 p.m.)

20

21

Page 51

1 CERTIFICATE OF REPORTER/NOTARY PUBLIC

2 STATE OF INDIANA, to wit:

3 I, MARYANN HERR, a Notary Public of
4 the State of Indiana, do hereby certify that the
5 within-named witness personally appeared before
6 me at the time and place herein set out, and
7 after having been duly sworn by me, according to
8 law, was examined by counsel.

9 I further certify that the examination
10 was recorded stenographically by me and this
11 transcript is a true record of the proceedings.

12 I further certify that I am not of
13 counsel to any of the parties, nor in any way
14 interested in the outcome of this action.

15 As witness my hand and notarial seal
16 this 29th day of July, 2003.

17

18 _____
19 MaryAnn Herr
20 Notary Public

21 My Commission Expires: 07-06-09

Page 52

1 DATE SENT: July 29, 2003

2 ERRATA SHEET

3 DEPOSITION OF: Shalanda Robinson

4 DATE: July 17, 2003

5 IN THE MATTER OF: Business Options, Inc.

6

7 INSTRUCTIONS:

8 1. Please read the transcript of your deposition
9 and make note of any corrections or changes
10 on this Errata Sheet. DO NOT mark on the
11 transcript itself.

12 2. Indicate below general reason for change,
13 such as:
14 A. To correct stenographic error.
15 B. To clarify record.
16 C. To conform to the facts.

17 3. Sign the Certificate of Deponent page.

18 4. Return this Errata Sheet, along with the
19 signed Certificate of Deponent page, within
20 30 days of the Date Sent, to the office
21 listed below for immediate forwarding to
other counsel in the case.

17 PAGE NO. LINE NO. CORRECTION REASON

18 _____

19 _____

20 COURT REPORTERS, ETCetera, INC.

21 2833 Smith Avenue, #260

Baltimore, MD 21209

(410) 653-1115 (202) 628-DEPO (3376)

IN THE MATTER OF: BUSINESS OPTIONS, INC.
Deposition of Shalanda Robinson

July 17, 2003
"We'll cover your job ANYWHERE in the country!"

Page 53

1 ERRATA SHEET FOR SHALANDA ROBINSON:

2 PAGE NO. LINE NO. CORRECTION REASON

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Page 54

1 CERTIFICATE OF DEPONENT

2 I hereby certify that I have read and
3 examined the foregoing transcript, and the same
4 is a true and accurate record of the testimony
5 given by me.

6 Any additions or corrections that I.
7 feel are necessary, I will attach on a separate
8 sheet of paper to the original transcript.

9

10

11

SHALANDA ROBINSON

12

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IN THE MATTER OF: BUSINESS OPTIONS, INC.
Deposition of Shalanda Robinson

#260 - customer
July 17, 2003

<p>-#-</p> <p>#260 [1] 52:20</p>	<p>300-and-some [1] 29:4</p> <p>30033217002 [1] 1:7</p> <p>3376 [1] 52:21</p> <p>3:30 [1] 50:19</p>	<p>always [1] 30:11</p> <p>amount [2] 39:4,7</p> <p>APPEARANCES [1] 2:1</p> <p>appeared [4] 5:13,18 6:5 51:5</p> <p>application [2] 48:12 49:8</p> <p>approach [1] 25:17</p> <p>April [4] 20:7,9 40:12,18</p> <p>arrive [5] 9:12,13,14,15 9:16</p> <p>attach [1] 54:7</p> <p>attachment [1] 43:10</p> <p>attention [4] 16:12 34:17 34:20 40:2</p> <p>August [2] 13:4 46:6</p> <p>authority [7] 33:4,8,13 33:14,15,17,21</p> <p>authorization [3] 15:7 15:8,13</p> <p>authorized [3] 22:21 23:3,17</p> <p>automatically [1] 19:4</p> <p>Avenue [2] 2:5 52:20</p> <p>average [1] 29:3</p> <p>averages [1] 31:8</p> <p>averaging [1] 29:4</p> <p>aware [9] 22:13,15 24:19 34:8 37:3 41:5,10,14,17</p>	<p>17:7,11 19:11,12,15 22:10 23:20 24:3,8 32:3,11,12 34:8 35:21 36:6 37:4 38:14,20 41:7 43:9,19 44:16 45:5,11 52:5</p> <p>Buzz [9] 4:14,15,18 5:7 5:10 6:11 19:11 44:16 46:4</p>	<p>companies [1] 18:11</p> <p>company [8] 7:8,10 8:11 11:9 17:21 18:10 32:6 38:1</p> <p>complained [1] 38:14</p> <p>complaint [1] 12:9</p> <p>complaints [4] 14:6 25:5 25:7 43:11</p> <p>completely [1] 15:20</p> <p>comport [1] 44:19</p> <p>computer [1] 11:8</p> <p>concern [2] 14:10 42:8</p> <p>Concerning [1] 47:11</p> <p>concerns [2] 12:9 37:4</p> <p>concluded [1] 50:19</p> <p>confirm [1] 15:8</p> <p>confirmation [1] 10:18</p> <p>confirmed [3] 17:19 18:19 28:19</p> <p>conform [1] 52:12</p> <p>confused [1] 40:18</p> <p>confusing [1] 42:16</p> <p>connection [1] 42:12</p> <p>consequence [1] 40:14</p> <p>consist [1] 10:16</p> <p>consisted [2] 10:10 44:10</p> <p>consistent [1] 11:18</p> <p>consulting [1] 34:3</p> <p>contact [7] 10:13 16:8 17:1,3 20:1 27:10 28:2</p> <p>context [1] 46:12</p> <p>continue [1] 42:16</p> <p>continuously [1] 50:7</p> <p>conversation [2] 35:19 36:10</p> <p>correct [2] 13:15 52:11</p> <p>CORRECTION [2] 52:17 53:2</p> <p>corrections [2] 52:8 54:6</p> <p>counsel [5] 21:11,18 51:8 51:13 52:16</p> <p>counsel's [1] 21:16</p> <p>country [1] 1:20</p> <p>couple [1] 41:15</p> <p>course [3] 28:20 29:21 31:5</p> <p>COURT [2] 1:17 52:19</p> <p>cover [2] 1:20 8:16</p> <p>Crossing [1] 18:9</p> <p>curious [1] 40:20</p> <p>current [10] 4:12,16 21:4 23:20 24:2 25:18 26:15 27:12 36:15 49:19</p> <p>customer [46] 10:18 12:5 12:7 14:6,19 15:14 16:3,4 16:7,13 17:5,18 18:18,20 18:21 19:4,12 25:5,6,14 26:1,9,11,20 27:4,5,6,8,9 27:10 28:8,9,10 29:12</p>
<p>-\$-</p> <p>\$3.75 [2] 39:8,9</p> <p>\$4.90 [2] 38:3,7</p>	<p>-4-</p> <p>4 [3] 3:3 46:6 52:14</p> <p>40,000 [1] 24:4</p> <p>410 [2] 1:19 52:21</p> <p>445 [1] 2:10</p>	<p>-5-</p> <p>50,000 [1] 24:15</p> <p>500 [1] 29:19</p>	<p>-C-</p> <p>C [1] 52:12</p> <p>calls [1] 27:6</p> <p>cancel [4] 21:9 22:11 29:13,18</p> <p>canceled [4] 15:18,20 18:18 19:21</p> <p>canceled [2] 18:21 21:14</p> <p>cancelled [2] 17:2,19</p> <p>cancelling [1] 18:3</p> <p>carrier [10] 16:9,10,14 17:6,10,15,20 18:6 32:10 46:16</p> <p>Carriers [3] 46:3,9,9</p> <p>case [7] 7:6 14:18 15:2 18:21 21:3,4 52:16</p> <p>Certificate [4] 51:1 52:13,14 54:1</p> <p>certify [4] 51:4,9,12 54:2</p> <p>CHADBOURNE [1] 2:4</p> <p>change [14] 12:6,10,13 12:17 13:5 14:2 16:15 17:8,12,16 25:3,8 32:10 52:10</p> <p>change-back [1] 31:20</p> <p>changed [3] 12:1 13:2 31:12</p> <p>changes [1] 52:8</p> <p>charge [6] 38:7 39:10,12 40:4,8 42:4</p> <p>charged [2] 38:3 42:11</p> <p>charges [3] 38:19 39:2 42:6</p> <p>Cindy [2] 27:19 28:9</p> <p>circumstances [3] 16:19 19:17 41:16</p> <p>clarification [3] 23:7 33:12 40:17</p> <p>clarify [2] 34:3 52:11</p> <p>Close [1] 29:19</p> <p>closed [2] 13:16 30:12</p> <p>co-counsel [1] 34:4</p> <p>code [2] 17:17 18:17</p> <p>coming [3] 5:10 29:5,14</p> <p>commencing [1] 1:12</p> <p>Commission [5] 1:1 2:10 41:6 48:10 51:20</p> <p>communication [2] 40:14,19</p> <p>Communications [4] 1:1 2:10 41:6 48:10</p>	<p>-6-</p> <p>628-DEPO [2] 1:19 52:21</p> <p>63.71 [2] 48:11 49:8</p> <p>653-1115 [2] 1:19 52:21</p>
<p>-1-</p> <p>1 [4] 41:8 43:8 44:9 52:7</p> <p>1-800-947-DEPO [1] 1:21</p> <p>11 [1] 46:6</p> <p>1200 [1] 2:5</p> <p>12th [1] 2:10</p> <p>15 [1] 8:19</p> <p>17 [2] 1:12 52:4</p> <p>1993 [1] 47:14</p> <p>1993R [1] 46:6</p> <p>1995R [1] 46:6</p> <p>1998 [2] 11:14 31:17</p>	<p>-7-</p> <p>75 [1] 31:9</p>	<p>-8-</p> <p>8 [1] 46:5</p> <p>8210 [1] 1:13</p> <p>8380 [4] 7:4 12:17,18 13:13</p>	<p>-B-</p> <p>B [2] 2:9 52:11</p> <p>Baltimore [1] 52:20</p> <p>basic [1] 48:2</p> <p>became [6] 12:5 25:13 34:7 37:2 41:17 50:5</p> <p>become [3] 24:19 36:18 41:13</p> <p>behalf [2] 2:3,8</p> <p>behind [1] 32:6</p> <p>Bell [7] 5:5 6:1,16 7:12 8:13 19:11 24:8</p> <p>Bell/Buzz [1] 19:16</p> <p>below [2] 52:10,15</p> <p>better [2] 31:20 33:21</p> <p>between [1] 46:16</p> <p>bill [6] 10:12 14:10,20 17:6 37:18 44:13</p> <p>billing [2] 37:12,20</p> <p>birth [4] 10:17 15:9,10,11</p> <p>bit [1] 28:3</p> <p>break [1] 8:15</p> <p>breaks [1] 8:19</p> <p>briefly [1] 27:1</p> <p>brought [1] 21:3</p> <p>Brzycki [2] 44:13,15</p> <p>Brzycki's [1] 45:3</p> <p>Business [33] 1:5 2:3 5:1 5:16,18 6:18 14:20 16:13</p>	<p>-9-</p> <p>974-5600 [1] 2:6</p> <p>9th [1] 45:12</p>
<p>-2-</p> <p>2 [1] 52:10</p> <p>200 [1] 30:6</p> <p>2000R [1] 46:6</p> <p>2001 [2] 20:8 39:18</p> <p>2002 [18] 5:12 6:8,21 12:4 14:3 25:15 26:5 34:18 36:3 41:8 43:8 44:9 44:17 45:12 46:7 47:7,10 48:11</p> <p>2003 [5] 1:12 20:9 51:16 52:1,4</p> <p>20036 [1] 2:5</p> <p>202 [3] 1:19 2:6 52:21</p> <p>202-418-2955 [1] 2:11</p> <p>20554 [2] 1:2 2:11</p> <p>21209 [1] 52:20</p> <p>27 [1] 48:10</p> <p>2833 [1] 52:20</p> <p>29 [1] 52:1</p> <p>29th [1] 51:16</p> <p>2:15 [1] 1:13</p>	<p>-A-</p> <p>able [5] 27:4,5,9 35:3 36:1</p> <p>according [1] 51:7</p> <p>account [6] 1:6 15:4,18 15:20 18:3 27:6</p> <p>accounts [3] 17:2 35:4,7</p> <p>accurate [1] 54:4</p> <p>action [2] 19:10 51:14</p> <p>actively [1] 30:13</p> <p>additions [1] 54:6</p> <p>address [3] 7:3 10:13 12:20</p> <p>addressed [2] 43:9,19</p> <p>affirmatively [1] 22:10</p> <p>again [2] 26:18 33:11</p> <p>against [1] 42:4</p> <p>ago [1] 41:15</p> <p>ahead [2] 21:11 22:4</p> <p>Alisha [2] 27:18 28:6</p> <p>alleged [1] 22:4</p> <p>allowed [1] 38:20</p> <p>almost [2] 24:15 30:19</p> <p>along [1] 52:14</p>	<p>-3-</p> <p>3 [2] 46:7 52:13</p> <p>30 [2] 31:8 52:15</p>	<p>-C-</p> <p>C [1] 52:12</p> <p>calls [1] 27:6</p> <p>cancel [4] 21:9 22:11 29:13,18</p> <p>canceled [4] 15:18,20 18:18 19:21</p> <p>canceled [2] 18:21 21:14</p> <p>cancelled [2] 17:2,19</p> <p>cancelling [1] 18:3</p> <p>carrier [10] 16:9,10,14 17:6,10,15,20 18:6 32:10 46:16</p> <p>Carriers [3] 46:3,9,9</p> <p>case [7] 7:6 14:18 15:2 18:21 21:3,4 52:16</p> <p>Certificate [4] 51:1 52:13,14 54:1</p> <p>certify [4] 51:4,9,12 54:2</p> <p>CHADBOURNE [1] 2:4</p> <p>change [14] 12:6,10,13 12:17 13:5 14:2 16:15 17:8,12,16 25:3,8 32:10 52:10</p> <p>change-back [1] 31:20</p> <p>changed [3] 12:1 13:2 31:12</p> <p>changes [1] 52:8</p> <p>charge [6] 38:7 39:10,12 40:4,8 42:4</p> <p>charged [2] 38:3 42:11</p> <p>charges [3] 38:19 39:2 42:6</p> <p>Cindy [2] 27:19 28:9</p> <p>circumstances [3] 16:19 19:17 41:16</p> <p>clarification [3] 23:7 33:12 40:17</p> <p>clarify [2] 34:3 52:11</p> <p>Close [1] 29:19</p> <p>closed [2] 13:16 30:12</p> <p>co-counsel [1] 34:4</p> <p>code [2] 17:17 18:17</p> <p>coming [3] 5:10 29:5,14</p> <p>commencing [1] 1:12</p> <p>Commission [5] 1:1 2:10 41:6 48:10 51:20</p> <p>communication [2] 40:14,19</p> <p>Communications [4] 1:1 2:10 41:6 48:10</p>	<p>-3-</p> <p>3 [2] 46:7 52:13</p> <p>30 [2] 31:8 52:15</p>

IN THE MATTER OF: BUSINESS OPTIONS, INC.
Deposition of Shalanda Robinson

customer's - Kurtis
July 17, 2003

29:15 32:2,7,9,12 35:16
 35:18 38:4 39:15 40:1
 50:5
customer's [3] 18:3,16
 27:5
customers [23] 12:8 14:9
 22:2,9 23:20 24:3,7,14
 28:17,18,21 29:5,9,13,17
 30:4 37:14 38:8,10,13,16
 38:21 46:15
customers' [1] 9:9

-D-

D.C [3] 1:2 2:5,11
data [16] 9:4,5,8 26:1,12
 26:13,20 27:3 28:6,7,12
 29:8,15 31:14 32:1,4
data-entered [1] 31:11
data-entries [1] 29:11
date [10] 10:17 11:4 15:6
 15:9,10,11 46:17 52:1,4
 52:15
dated [3] 11:15 43:8
 45:12
dates [2] 46:5 47:17
Davidson [1] 28:10
day-to-day [1] 33:13
days [1] 52:15
dealing [1] 14:5
deals [1] 25:5

December [5] 7:11 34:18
 36:3 45:12 48:10

decide [2] 33:5 34:4
deciding [1] 33:1
delivery [9] 25:19 26:3
 26:7 30:2,3 36:19,20
 39:13,14

DeLynn [1] 4:11

Dennie [3] 44:8 45:3,8
 45:13 48:6

Dennie's [1] 45:14

department [12] 27:8
 28:5 30:9,10,12,13 43:9
 44:3,4,10 45:5,8

departments [6] 26:1
 26:16,18 27:2,13,20

deponent [4] 50:16 52:13
 52:14 54:1

deposed [1] 41:19

deposition [4] 1:10
 50:19 52:3,7

describe [3] 7:2 27:1
 41:16

described [2] 11:8 31:10

detail [2] 33:16 42:13

determine [3] 22:9 33:8
 33:17

differences [1] 47:10

different [4] 4:19 5:12
 6:4,4

difficulty [1] 34:9

digits [1] 10:19

DIRECT [1] 4:7
direction [1] 25:18
directive [3] 21:8,13,17
directly [6] 19:19,20
 25:6 27:10 31:3 50:12
director [4] 12:5 25:14
 26:9,10
disconnected [2] 34:12
 35:4
disconnects [1] 19:4
discontinued [1] 20:21
Discussion [2] 43:4
 50:14

distance [5] 16:11,16
 32:13 46:2,8

DOCKET [1] 1:4

document [16] 42:14,19
 43:8,13 45:10 46:8,10,13
 46:17,21 48:3,8,13,14,18
 49:15

documents [3] 36:5
 45:17 48:5

done [3] 32:1 41:11 47:21

down [1] 24:12

Drive [1] 12:21

dropped [1] 24:11

duly [2] 4:5 51:7

during [4] 9:2 21:20 30:4
 31:19

duties [1] 12:1

-E-

EB [1] 1:4

EB-02-TC-151 [1] 1:5

effect [3] 20:3 40:18
 47:14

efforts [1] 31:2

eight [1] 22:4

eight-hour [1] 8:21

either [2] 10:18 17:18

electronic [1] 9:14

Elizabeth [9] 35:2,13,20
 36:10,12,13 37:16 49:19
 50:10

employ [1] 44:16

employed [1] 31:15

employees [1] 13:18

employer [3] 4:13,16 5:6

end [3] 32:5 35:6 44:17

ended [1] 20:7

entail [1] 25:20

enter [1] 27:3

entered [4] 9:11 11:7
 28:17 29:1

entity [2] 6:14,16

entry [16] 9:4,5,8 26:1,12
 26:13,20 27:3 28:6,7,12
 29:8,15 31:14 32:1,4

erosion [1] 30:4

Errata [4] 52:2,8,14 53:1

error [1] 52:11
ESQ [3] 2:4,9,9
ETCetera [2] 1:17 52:19
event [1] 28:2
exactly [10] 6:6 10:12
 11:3 14:11 16:9 24:17
 28:16 39:20 44:20 46:14
examination [4] 3:2 4:4
 4:7 51:9

examined [3] 4:5 51:8
 54:3

example [1] 14:18

examples [2] 14:14 19:9

exchange [7] 16:14 17:6
 17:10,15 18:6 32:10 46:9

EXHIBITS [1] 3:6

existence [1] 5:11

expediter [3] 8:7,9 26:11

Expires [1] 51:20

explain [5] 15:10 16:20
 35:16 42:5,9

explained [4] 14:11 42:3
 42:10 46:14

expressed [2] 47:2 48:2

-F-

facts [1] 52:12

falls [1] 27:9

familiar [1] 48:6

far [3] 8:1 38:16 47:3

fashion [3] 9:15 17:11
 18:7

FCC [12] 2:8 22:21 23:4
 23:17 40:17 41:10 42:4
 43:7 49:10,12,15,16

Federal [4] 1:1 2:10 41:6
 48:10

fee [1] 40:9

feed [2] 18:2 19:3

fees [10] 37:14,15,19,20
 37:21 38:1,2,19 39:2,4

felt [1] 42:18

few [1] 37:9

Fields [1] 28:6

file [7] 1:5 18:1,2 19:3
 32:5 34:12 35:5

filed [1] 48:9

first [3] 4:5 16:15 28:4

flag [2] 15:17 32:7

flagging [1] 35:4

flat [1] 40:9

floor [1] 29:3

fluctuated [1] 24:5

fluctuations [1] 24:10

follow [4] 15:19 16:21
 17:3 34:4

follow-up [1] 22:8

follows [1] 4:6

foregoing [1] 54:3

forever [1] 11:12

forget [1] 12:20
forgot [1] 29:21
form [4] 9:9,13,14,17
forwarding [1] 52:15
four [3] 4:17 7:7 10:19
free [1] 34:3
FRN [1] 1:8
front [1] 27:7
full [1] 4:9
fund [1] 39:3

-G-

general [1] 52:10

gentleman [1] 7:16

given [3] 28:21 29:10
 54:5

giving [1] 15:6

glance [1] 43:12

Global [1] 18:9

gone [1] 33:16

Green [2] 49:5,16

guess [1] 42:19

-H-

half [6] 4:17 7:7 8:18 9:3
 30:19 31:6

Hampshire [1] 2:5

hand [1] 51:15

handle [1] 12:7

handled [1] 12:9

handwriting [1] 9:20

handwritten [2] 9:16,18

happening [1] 23:11

HARKRADER [1] 2:9

HAWA [10] 2:4 21:10
 22:3 23:6,10 33:11,20
 40:16 41:3 42:18

Hawkins [1] 28:7

heading [1] 46:7

hear [1] 50:16

Hearing [2] 1:8 42:21

held [2] 43:4 50:14

help [3] 27:7 28:3 44:14

hereby [2] 51:4 54:2

herein [1] 51:6

Herr [3] 1:15 51:3,18

high [1] 31:9

high-water [1] 24:13

hired [4] 7:9,12 8:4,6

hiring [1] 7:15

hold [1] 24:18

honest [2] 42:11,12

hour [3] 8:16,18,19

hours [1] 9:3

hypothetical [2] 14:13
 14:15

-I-

I-N-D-E-X [1] 3:1
idea [3] 6:3 8:8 21:21
identification [1] 11:2
identifying [1] 28:1
immediate [1] 52:15
implemented [2] 22:2,5
impose [1] 38:20
Inc [6] 1:5,17 43:10 45:11
 52:5,19
included [1] 45:18
Indiana [3] 1:14 51:2,4
Indicate [1] 52:10
individuals [1] 27:12
information [18] 9:10
 9:10,12 10:6,9,14,16 11:7
 11:9,15 18:5,12,15 27:7
 29:12,14 31:16 40:13

Inn [1] 1:13

input [1] 20:17

inquiry [1] 41:7

instance [1] 16:15

instead [2] 16:13 29:14

INSTRUCTIONS [1]
 52:6

interested [1] 51:14

interpret [1] 47:17

interview [1] 7:20

interviewed [1] 8:2

involve [3] 13:6,6 35:8

involved [4] 7:14 9:7
 12:6 13:8

issued [1] 40:17

issues [1] 37:12

itself [2] 21:17 52:9

-J-

James [2] 2:9 40:16

job [11] 1:20 11:21 12:13
 12:17 13:2 14:1 25:4,8,18
 26:8,15

July [4] 1:12 51:16 52:1
 52:4

June [2] 5:12 20:8

-K-

Keanan [3] 42:1,2,5

KEMAL [1] 2:4

kept [1] 11:9

kick [1] 19:18

kind [3] 34:9 36:6 47:18

knew [2] 34:11 38:17

knowledge [14] 20:3,17
 20:19 22:12,16 23:2,16
 23:19 32:18 33:1 36:9
 40:21 43:18 48:17

known [3] 4:19 33:7
 46:18

Kurtis [2] 20:15,16

IN THE MATTER OF: BUSINESS OPTIONS, INC.
Deposition of Shalanda Robinson

lack - run
July 17, 2003

<p>-L-</p> <p>lack [2] 31:1,20 LaQuinta [1] 1:13 last [4] 10:19 28:4 31:5 48:21 late [2] 11:14 31:17 latter [1] 26:5 law [1] 51:8 learned [1] 34:4 least [1] 22:6 leave [1] 34:2 left [3] 44:16,21 45:1 legal [6] 43:9 44:3,4,10 45:4,8 Leonard [1] 12:21 letter [10] 41:6,18 43:7 43:12,15,20 44:2 45:15 45:18 46:4 letterhead [1] 45:11 line [3] 45:13 52:17 53:2 Lisa [2] 49:5,15 listed [1] 52:15 Liz [3] 32:6 35:11 37:13 LLP [1] 2:4 local [10] 16:9,14 17:6,10 17:15,19 18:6 32:10 46:9 46:15 location [4] 12:14,16 13:2,19 longer [3] 35:3,21 36:7 look [4] 11:4 15:4 27:5 48:12 looking [1] 21:6 lost [1] 29:9 Louisiana [4] 1:13 7:4 12:17 13:13 loves [1] 50:16 low [1] 31:8 Luce [2] 27:19 28:8 Lucky [1] 43:18 lunch [2] 8:15,19 Lyman [1] 28:10</p> <p>-M-</p> <p>maiden [1] 10:20 Maine [9] 37:3,13,17,19 38:8,10,13,16,21 makes [1] 17:20 manager [11] 25:19,21 26:4,7 30:2,3 36:19,20 39:13,14 50:5 March [1] 12:4 mark [3] 7:16 24:13 52:8 MARKED [1] 3:6 MaryAnn [3] 1:14 51:3 51:18 Maryland [1] 1:18 materialized [1] 14:15 math [1] 29:20</p>	<p>MATTER [2] 1:4 52:5 matters [1] 44:14 Matthew [2] 27:18 28:7 may [4] 33:21 35:11 43:19 44:1 MD [1] 52:20 mean [6] 8:12 23:9,10 24:6 33:17 34:14 meaning [2] 21:4 23:7 meantime [1] 24:20 memory [1] 44:19 mentioned [4] 14:2,5 19:5 26:16 Merrillville [4] 1:14 7:4 13:3,20 message [1] 9:15 minute [1] 8:19 mistake [1] 15:15 month [3] 30:19 31:5 38:3 monthly [5] 37:13,15,19 37:20 38:7 months [3] 25:13 30:20 37:9 mother's [1] 10:20 Ms [4] 43:6 45:3,8,14</p> <p>-N-</p> <p>N.W [1] 2:5 NAL [1] 1:6 name [15] 4:9,12,19,21 5:7,12,15,17,21 7:16 10:11,11,20 28:4,4 names [5] 5:2,4 6:4 27:15 27:17 nature [2] 18:14 42:6 necessary [1] 54:7 need [4] 11:4,5 15:19 28:2 needed [3] 8:10 34:12 40:9 never [1] 30:12 new [3] 2:5 14:1 29:5 newly [1] 18:19 next [4] 19:1 23:14 45:10 48:8 Nichols [1] 28:7 nor [1] 51:13 notarial [1] 51:15 Notary [3] 1:15 51:3,19 note [1] 52:8 Notice [2] 1:7 42:20 notify [1] 17:11 November [4] 41:8 43:8 44:9 46:5 now [17] 5:6 6:2 14:1 19:5 21:20 23:7,9,10,12 25:17 26:15 28:1 29:5 30:15 31:10,19 48:20 number [8] 1:6 10:14,19 11:1 18:16 23:20 24:5,14</p>	<p>-O-</p> <p>object [1] 23:6 objection [3] 21:10,16 22:3 occur [1] 24:16 occurred [1] 17:12 October [5] 44:17 46:6,7 47:7,10 off [7] 17:17 24:11 27:9 43:2,4 50:13,14 office [3] 13:12,16 52:15 once [5] 17:2,19 19:20 22:6,7 one [7] 6:11,13 8:16 29:11 32:14 47:13,18 operate [1] 17:17 Opportunity [2] 1:7 42:20 opposed [1] 38:13 Options [31] 1:5 2:3 5:1 5:16,18 6:18 14:21 16:14 17:7,11 19:11,13 22:10 23:20 24:3,8 32:3,11,12 34:8 35:21 36:6 38:14,20 41:7 43:10,19 44:17 45:5 45:11 52:5 Options' [1] 37:4 Options/U.S [1] 19:16 order [6] 1:6 17:1 19:12 32:2 40:17 42:20 orders [1] 29:2 original [1] 54:8 outcome [1] 51:14</p> <p>-P-</p> <p>P-R-O-C-E-E-D-I-N-G-S [1] 4:1 p.m [2] 1:13 50:19 page [6] 3:2 48:21 52:13 52:14,17 53:2 paid [1] 40:2 paper [1] 54:8 PARKE [1] 2:4 part [2] 26:5 45:18 particular [1] 7:14 parties [1] 51:13 parts [1] 45:21 passed [1] 32:8 paycheck [2] 5:19 6:5 paychecks [2] 5:8,13 pending [1] 28:18 people [8] 13:7,8 19:16 27:16 28:2,12 31:15 35:16 percentage [1] 40:10 period [9] 6:7 11:13 21:20 30:4 31:19 32:8,16 50:4,7 person [6] 8:2,4 10:13 30:17 31:4 32:4 person's [2] 10:11 31:2</p>	<p>personal [1] 32:18 personally [2] 31:11 51:5 phonetic [2] 7:17 28:11 pick-freeze [2] 16:21 19:6 pieces [1] 10:6 place [23] 12:10 13:5,12 14:2 21:14 23:15 24:10 25:12 30:18 31:21 32:16 33:19 35:19 37:8 39:12 40:5,6 44:14 46:17 47:4,6 48:3 51:6 point [9] 11:16,19 13:2 17:9 30:9 32:11 39:21 41:20 45:21 policies [3] 47:2,3 48:2 policy [17] 20:2,11,18,20 21:8,9,14 22:1,20 23:3,15 23:16 31:20 32:16 46:4 47:9,11 position [2] 8:6 25:5 possibly [1] 7:18 practice [1] 42:11 practices [2] 37:5 38:14 prepared [1] 48:18 present [3] 11:19 26:6 50:8 previous [1] 21:9 problem [3] 37:10 49:11 49:15 problems [1] 37:17 procedure [1] 17:4 procedures [2] 15:19 16:1 proceeding [1] 21:5 proceedings [1] 51:11 process [5] 16:21 19:6 20:2 31:10,12 product [1] 19:13 promoted [1] 25:4 promotion [1] 12:11 provisioning [3] 17:21 18:9 32:6 Public [4] 1:15 51:1,3,19 pursuing [1] 41:2 put [5] 15:7,13 18:19 31:17 44:1 putting [3] 18:3 31:15,21</p> <p>-Q-</p> <p>Quest [1] 18:8 questions [2] 12:9 50:17</p> <p>-R-</p> <p>reached [1] 24:15 read [5] 42:15,15 46:19 52:7 54:2 Reading [1] 50:18 really [4] 24:18 33:19 42:14,16</p>	<p>reason [3] 52:10,17 53:2 receive [5] 5:8 6:13 10:5 10:9 29:11 received [4] 6:21 17:15 29:3 41:18 receiving [2] 6:9 14:20 receptionist [1] 8:14 recognize [1] 49:3 recollection [1] 48:1 record [7] 43:2,4 50:13 50:14 51:11 52:11 54:4 recorded [1] 51:10 recording [1] 15:6 references [1] 43:11 referring [1] 16:1 reflect [1] 32:2 reflecting [1] 47:17 reflects [1] 48:9 Rehano [1] 28:8 relating [1] 36:6 relationship [4] 46:2,8 46:15,16 relevance [1] 22:3 relieved [1] 8:14 relocated [1] 13:19 remember [2] 6:6,8 rep [1] 9:21 repeat [1] 21:12 report [3] 28:14 50:11,12 REPORTER/NOTARY [1] 51:1 REPORTERS [2] 1:17 52:19 reports [1] 30:21 requested [1] 50:18 resell [1] 27:10 respect [6] 5:6 14:1 22:2 28:12 35:13 45:4 responded [1] 44:2 response [2] 19:8 48:6 responsible [1] 33:14 return [2] 19:12 52:14 returned [2] 32:3,13 reverified [1] 27:11 Reviewing [3] 43:13 46:21 48:13 revisions [2] 47:18,20 Right [1] 33:20 Robinson [7] 1:11 4:3 4:11 43:6 52:3 53:1 54:11 role [1] 32:21 Rosas [2] 36:13 49:19 rough [1] 6:3 roughly [5] 12:3 30:6,19 35:20 36:3 routed [2] 18:6,8 rules [3] 22:21 23:4,17 run [1] 14:13</p>
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IN THE MATTER OF: BUSINESS OPTIONS, INC.
Deposition of Shalanda Robinson

S.W - yourself
July 17, 2003

<p>-S-</p> <p>S.W [1] 2:10 sale [3] 10:4,21 11:6 sales [2] 9:21 29:3 scene [1] 32:7 Schlowbaum [1] 7:17 script [4] 32:19 33:2,5,9 seal [1] 51:15 second [2] 43:3 48:20 Section [2] 48:11 49:8 see [2] 36:5 48:21 seek [1] 16:15 sell [4] 34:13 35:3,17 36:1 selling [1] 36:7 send [5] 17:21 18:1,12 34:11 37:13 sent [6] 38:8 41:6 49:11 49:16 52:1,15 separate [1] 54:7 service [36] 12:5,7 14:11 15:7,16 16:16 18:4,18 19:1 22:11 25:14 26:1,9 26:11,20 27:5,9 28:8,8,9 28:10,19 29:12,15 32:10 32:13 35:16 37:13,15,19 37:20 38:1 39:3,15 40:1 50:5 services [1] 15:13 set [1] 51:6 several [1] 46:5 Shalanda [8] 1:11 4:3 4:11 40:21 41:5 52:3 53:1 54:11 Shanelle [2] 27:18 28:7 Shannon [3] 44:8 45:13 48:6 sheet [5] 52:2,8,14 53:1 54:8 Shook [13] 2:9 3:3 4:8 23:9,13 33:15 34:1,6 40:20 41:4 43:5 50:13,15 show [4] 1:6 42:20 43:7 48:9 showing [1] 45:10 shown [1] 46:17 side [1] 11:5 Sign [1] 52:13 signature [3] 45:13 48:21 49:3 signed [3] 45:14 49:16 52:14 significant [2] 24:6,6 signing [1] 50:18 sitting [3] 21:5 22:19 23:7 situation [1] 35:13 six [2] 9:2 25:13 slams [1] 22:4 slash [3] 19:11,11 44:16 Smith [1] 52:20</p>	<p>social-security [1] 10:19 solely [1] 36:9 Someday [1] 36:20 sometime [3] 14:3 25:15 39:17 Sometimes [1] 30:12 speak [2] 35:12 50:15 spell [1] 7:18 spoke [2] 10:12 42:1 staff [1] 13:10 standpoint [3] 6:2 32:2 39:17 started [7] 8:13 11:14 12:7 24:8 31:17 39:13 42:15 stat [2] 24:18 25:2 state [10] 4:9 17:19 20:5 34:9,14 37:3,17,19 51:2,4 states [1] 34:13 statistic [1] 24:19 stats [2] 24:11,12 status [3] 17:18 18:17,19 stay [1] 20:3 stays [1] 11:12 stenographic [1] 52:11 stenographically [1] 51:10 step [1] 19:1 still [2] 40:5 47:4 Street [5] 1:14 2:10 7:4 12:17 13:13 study [1] 22:8 subsequent [2] 17:10 25:8 success [2] 31:1,3 successor [1] 45:4 such [5] 15:5,6 17:15 22:17 52:10 super-saver [1] 38:5 supervisor [4] 36:15,17 49:20 50:1 supposed [1] 8:9 switch [1] 17:20 sworn [2] 4:5 51:7 system [9] 9:11 11:10 17:20 18:2 19:3 27:4 28:17 29:1 31:16</p> <p>-T-</p> <p>tape [5] 9:13 10:20 11:2,4 11:5 TCSI [2] 17:17 18:17 Telecom [8] 4:14,15,18 5:7,10 6:11 44:16 46:4 telemarketer [3] 10:1,3 10:5 telemarketing [1] 37:4 telephone [3] 10:12,13 18:16 term [1] 30:1</p>	<p>terms [8] 6:3 19:5 26:15 28:1,4,14 30:8 48:1 testified [1] 4:5 testimony [1] 54:4 Thank [1] 36:20 therefore [1] 31:1 thousand [1] 24:7 three [6] 25:21 26:16,18 27:2,13,20 through [6] 14:13 17:3 18:7,8 43:12 46:19 Thursday [1] 1:12 times [2] 6:4 22:1 timing [2] 6:2 39:16 title [3] 26:8 46:7 48:11 titled [1] 42:19 today [9] 22:19 23:7 31:15 43:16 45:15,19 46:1 47:4 48:15 took [3] 12:10 13:5 14:2 transcript [5] 51:11 52:7 52:9 54:3,8 TRENT [1] 2:9 true [2] 51:11 54:4 Try [1] 33:20 turn [2] 18:1,11 two [6] 8:19 20:4 21:20 30:19 46:18 50:3 two-year [1] 32:15 type [1] 33:13 typical [2] 29:17 32:15 typically [2] 16:6 28:20</p> <p>-U-</p> <p>U.S [7] 5:5 6:1,16 7:12 8:13 19:11 24:8 ultimate [2] 33:12,20 under [1] 41:17 understand [5] 5:11 14:20 37:10 41:21 49:18 understood [2] 19:8 38:12 Universal [1] 39:3 unloading [1] 35:5 up [5] 15:4 21:3 24:12 27:5 34:4 updates [1] 18:2 upload [1] 32:5 USBI [3] 18:7 40:14,19 used [3] 5:2 10:17 30:1 usually [1] 10:10</p> <p>-V-</p> <p>Valparaiso [4] 12:21 13:3,16,19 Valpo [2] 12:18,19 various [3] 10:6 43:11 47:17 verification [7] 9:10 10:14,15 32:19 33:2,5,9</p>	<p>verified [2] 10:4 15:5 Vermont [8] 34:10,14 35:3,13,17 36:1,7 37:9 Vicksmith [1] 28:9 viewed [1] 12:11 Violet [2] 27:19 28:9</p> <p>-W-</p> <p>W [1] 2:9 W-2s [2] 6:9,20 wait [1] 19:18 Wanda [2] 27:19 28:10 Washington [4] 1:2,18 2:5,11 week [11] 22:5,6,7 28:21 29:4,10,17,19 30:6 31:9 32:14 weeks [1] 41:15 whatsoever [2] 20:17 33:15 Wherever [1] 8:10 whichever [1] 10:17 whole [1] 23:11 win-back [6] 26:2,21 27:8 28:11 30:8,11 win-backs [1] 31:6 wish [1] 34:2 wished [1] 11:15 wit [1] 51:2 Withdrawn [1] 41:3 within [1] 52:14 within-named [1] 51:5 witness [7] 4:4 23:12 43:13 46:21 48:13 51:5 51:15 wondering [1] 31:12 worded [1] 33:21 words [4] 10:3 11:13 31:14 50:16 worth [1] 41:1 writing [1] 10:6 written [2] 21:8,13 wrote [1] 20:15</p> <p>-Y-</p> <p>year [4] 6:8 21:20 39:17 40:12 years [5] 4:17 7:8 20:4 46:18 50:3 yourself [2] 13:6 46:20</p>
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